

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL SANNE,)	
)	
Plaintiff,)	8:09CV104
)	
vs.)	ORDER
)	
NORTH AMERICAN ARMS, INC.,)	
)	
Defendant and)	
Cross Claimant,)	
)	
and)	
)	
ELDORADO CARTRIDGE CORPORATION,)	
)	
Defendant and)	
Cross Defendant.)	

This matter is before the court sua sponte and pursuant to [NECivR 41.2](#), which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on February 17, 2009. **See** Filing No. 1 - [Ex. 2](#). Accordingly, the deadline for service of process expired **on or about June 17, 2009**. The plaintiff has served the defendant Northern American Arms, Inc., however there is no proof of service of process on the defendant Eldorado Cartridge Corporation. Northern American notes it has been unable to serve Eldorado Cartridge with the Notice of Removal. **See** [Filing No. 10](#). Therefore, the plaintiff must make a showing of good cause for the failure of service or the action must be dismissed as against the defendant Eldorado Cartridge. Upon consideration,

IT IS ORDERED:

The plaintiff shall show cause why this case should not be dismissed as to the defendant Eldorado Cartridge for failure to prosecute. The showing of cause shall be filed electronically on or before the close of business **on July 9, 2009**.

Dated this 24th day of June, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge